

REMARKS

At present, Claims 1-20 are pending. By this amendment, Claims 3 and 13 have been deleted, while Claims 1, 2, 7-9, 11, and 14-16 have been amended. Applicant submits that no new matter has been added to the application by way of the currently amended claims.

Claim Allowances

The Examiner has allowed Claims 10 and 17-20. Applicant thanks the Examiner for this allowance.

Claim Objections

The Examiner has objected to Claims 3, 8, and 13-16 as being dependent on a rejected independent base claim, but has indicated that the claims would be allowable if rewritten in independent form including all limitations of the base and intervening claims.

Claims 3 and 13 have been canceled and incorporated into their corresponding independent base claims; obviating the need to rewrite those claims. Further, Applicant believes that, in light of the other foregoing amendments and following remarks, the independent base claims are in allowable condition, obviating the need to rewrite the objected-to claims in independent format. Applicant reserves the right, however, to rewrite these claims in independent format if agreement on the allowance of the independent base claims cannot be reached.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1, 2, 4-7, 9, 11, and 12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,714,542 (hereinafter “Tzeng”) in view of U.S. Patent 6,535,509 (hereinafter “Amicangioli”). Applicant respectfully traverses these rejections.

Claim 1

Claim 1, as amended, now requires: “A method for concurrently routing frames through a switch wherein each of the frames is formatted with one of a plurality of formats, the method comprising: identifying the format of each of the frames, wherein the plurality of formats includes a first format for a single large packet and a second format for a plurality of small packets; controlling the operation of the switch with reference to the format of each of the frames; tracking a connection state of the switch with reference to the format of each of the frames; and storing the connection state in a memory register.”

In contrast, neither Tzeng nor Amicangioli, separately or in combination, teach or suggest all the requirements of amended Claim 1. For example, neither Tzeng nor Amicangioli, separately or in combination, teach or suggest having at least two different types of file formats including a single large packet format and a second format of a plurality of small packets as recited in Claim 1.

In addition, Claim 1 now includes limitations of Claim 3, a claim which the Examiner indicated would be allowable if rewritten in independent format.

Applicant therefore respectfully submits that Claim 1 is allowable. Applicant respectfully requests reconsideration and allowance of Claim 1.

Claims 2, 4-6

Claims 2, and 4-6 depend from allowable claim 1, and provide further limitations distinguishing over the cited prior art references.

Applicant therefore respectfully submits that Claims 2, and 4-6 are allowable. Applicant respectfully requests reconsideration and allowance of Claims 2, and 4-6.

Claim 3

Claim 3 has been canceled.

Claim 7

Claim 7, as amended, now requires: “A method for operating a switch configured with connection states, the method comprising: defining a dual-format frame for concurrently routing a plurality of frames through the switch, wherein a first format comprises a single large packet and a second format comprises a plurality of small packets; identifying at the switch the format of each of the frames; and controlling the connection states of the switch with reference to the format of each of the frames.”

In contrast, neither Tzeng nor Amicangioli, separately or in combination, teach or suggest all the requirements of amended Claim 7. For example, neither Tzeng nor Amicangioli, separately or in combination, teach or suggest having a dual file format including a single large packet format and a second format of a plurality of small packets, as required by Claim 7.

In addition, Claim 7 now includes limitations similar to those of Claim 3, a claim which the Examiner indicated would be allowable if rewritten in independent format.

Applicant therefore respectfully submits that Claim 7 is allowable. Applicant respectfully requests reconsideration and allowance of Claim 7.

Claims 8-9

Claims 8-9 depend from allowable claim 7, and provide further limitations distinguishing over the cited prior art references.

Applicant therefore respectfully submits that Claims 8-9 are allowable. Applicant respectfully requests reconsideration and allowance of Claims 8-9.

Claim 10

Claims 10 stands allowed.

Claim 11

Claim 11, as amended, now requires: "A switch for concurrently routing frames wherein each of the frames is formatted with one of a plurality of formats, the switch comprising: a means for identifying the format of each of the frames; a control circuit controlling connection states of the switch such that a first frame with a first format has precedence over a second frame with a second format; a control circuit controlling connection states of the switch such that a first frame with a first format may be given priority over a second frame with a second format; and a means for tracking a connection state with reference to the format of each of the frames."

In contrast, neither Tzeng nor Amicangioli, separately or in combination, teach or suggest the invention as recited by claim 11. For example, neither Tzeng nor Amicangioli, separately or

in combination, teach or suggest having two file formats and treating one with precedence over the other as recited in claim 11.

In addition, Claim 11 includes limitations of Claim 13, a claim which the Examiner indicated would be allowable if rewritten in independent format.

Applicant therefore respectfully submits that Claim 11 is allowable. Applicant respectfully requests reconsideration and allowance of Claim 11.

Claims 12, 14-16

Claims 12, and 14-16 depend from allowable claim 11, and provide further limitations distinguishing over the cited prior art references.

Applicant therefore respectfully submits that Claims 12, and 14-16 are allowable. Applicant respectfully requests reconsideration and allowance of Claims 12, and 14-16.

Claim 13

Claim 13 has been canceled.

Claims 17-20

Claims 17-20 stand allowed.

CONCLUSION

Applicants respectfully submit that – in light of the amendments and remarks provided above – the instant application, including Claims 1 - 20, is in condition for allowance.

Applicants respectfully request reconsideration and withdrawal of all rejections, and allowance of all pending claims.

Respectfully submitted,

October 26, 2006
(Date)

By: /Ronald W. Burns/

Ronald W. Burns, Reg. No. 44,044
Akin Gump Strauss Hauer & Feld LLP
P. O. Box 688
Dallas, TX 75313-0688
Direct Telephone: 214.969.4209
Direct Email Address: rbrns@akingump.com
Patent Email: trademarkdallas@akingump.com